

STATUTES OF CALIFORNIA

MEASURES SUBMITTED TO VOTE
OF ELECTORS, 1922

GENERAL LAWS, AMENDMENTS TO CODES,
RESOLUTIONS,
CONSTITUTIONAL AMENDMENTS

PASSED AT THE
REGULAR SESSION OF THE
FORTY-FIFTH LEGISLATURE

1923



SAN FRANCISCO
BANCROFT-WHITNEY COMPANY
1923

SEC. 17. It shall be the duty of the several district attorneys of this state to prosecute all persons charged with the violation of any of the provisions of this act. It shall be the duty of the secretary of the board, under the direction of the board, to aid attorneys in the enforcement of this act. Prosecution of violators.

SEC. 18. Nothing herein shall be construed as repealing the "medical practice act" of June 2, 1913, or any subsequent amendments thereof, except in so far as that act or said amendments may conflict with the provisions of this act as applied to persons licensed under this act, to which extent any and all acts or parts of acts in conflict herewith are hereby repealed. Repealed.

SEC. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The electors hereby declare that they would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

Number
on ballot.

20. Osteopathic Act.

[Submitted by the initiative and approved by electors November 7, 1922.
In effect December 21, 1922.]

An act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools, holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof.

The people of the State of California do enact as follows:

SECTION 1. A self-sustaining board of osteopathic examiners to consist of five members and to be known as the "board of osteopathic examiners of the State of California" is hereby created and established. The governor shall appoint the members of the board, each of whom shall have been a citizen of this state for at least five years next preceding his appointment. Each of the members shall be appointed from among persons who are graduates of osteopathic schools who hold unrevoked licenses or certificates to practice in this state. The governor shall fill by appointment all vacancies on the board. The term of office of each member shall be three years; *provided*, that of the first board appointed, one shall be appointed for one year, two for two years, and two for three years, and that thereafter all appointments shall be for three years, except that appointments to fill vacancies shall be for the unexpired term only. The governor shall have power to remove from office any member of the board for neglect of duty, for incompetency, or for unprofessional conduct. Each member of the board shall, before entering upon the duties of his office, take the constitutional oath of office. All fees collected on behalf of the board of osteopathic examiners and all receipts of every kind and nature, shall be reported at the beginning of each month for the month preceding, to the state controller and at the same time the entire amount must be paid into the state treasury and shall be credited to a fund to be known as the board of osteopathic examiners contingent fund, which fund is hereby created. Such contingent fund shall be for the use of the board of osteopathic examiners and out of it and not otherwise shall be paid all expenses of the board. Necessary traveling expenses and a per diem of

State board of osteopathic examiners created.
Appointment of members.
Report of receipts.
Fund in state treasury and its uses.

	not to exceed ten dollars (\$10.00) for each day of actual service in the discharge of official duties may be paid each member of the board, provided the fees and other receipts of the board are sufficient to meet this expense.
Organiza- tion of board.	The governor shall appoint the members of said board within thirty days after this act takes effect. The board shall be organized within sixty days after the appointment of its members by the governor by electing from its number a president, vice-president and a secretary who shall also
Meetings.	be the treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold one meeting annually beginning on the second Tuesday in January in the city of Sacramento with power of adjournment from time to time until its business is concluded. Special meetings of the board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the city of San Francisco, one published in the city of Sacramento, and one published in the city of Los Angeles which notice shall also specify the time and place of holding the examination of applicants. The secretary of the board upon an authorization from the president of the board, or the chairman of the committee may call meetings of any duly appointed committee of the board at a specified time and place and it shall not be necessary to advertise such committee meetings. The board shall receive through its secretary applications for certificates to be issued by said board and shall, on or before the first day of January in each year transmit to the governor a full report of all its proceedings together with a report of its receipts and disbursements.
Applica- tions and reports.	
Offices.	The office of the board shall be in the city of Saramento. Sub-offices may be established in Los Angeles and San Francisco and such records as may be necessary may be transferred temporarily to such sub-offices. Legal proceedings against the board may be instituted in any one of said three cities.
Rules and pro- ceedings.	The board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rules, pass any measure or to authorize the issuance or the revocation of any certificate. Any member of the board may administer oaths in all matters pertaining to the duties of the board and the board shall have authority to take evidence in any matter cogniz-able by it. The board shall keep an official record of its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act together with the action of the board upon each application.
Counsel and clerks.	The board shall have the power to employ legal counsel to advise and assist it in connection with all matters cognizable by the board or in connection with any litigation or legal proceedings instituted by or against said board and may also employ inspectors, special agents and investi-gators, and such clerical assistance as it may deem necessary to carry into effect the provisions of this act. The board may fix the compensation to be paid for such services and may incur such other expense as it may deem necessary; <i>provided, however</i> , that all such expense shall be pay-able only from the said fund hereinbefore provided for and to be known as the board of osteopathic examiners contingent fund.
Incidental expenses.	
Fees.	Every applicant for any form of certificate shall pay to the secretary-treasurer of the board the fees prescribed by law. Every licentiate, or certificate holder, subject to the jurisdiction of this board, shall on or before the first day of January of each year pay to the secretary-treasurer the annual tax and registration fee prescribed by law.
Board of osteo- pathic examiners succeeds to all powers, etc., of board of medical examiners in regard to licens- ing of osteo- paths.	SEC. 2. All persons who are graduates of osteopathic schools and who desire to apply for any form of certificate mentioned or provided for in the state medical practice act, approved June 2, 1913, and all acts amenda-tory thereof, shall make application therefor, to said board of osteopathic examiners and not to the board of medical examiners of the State of California. The board of osteopathic examiners in respect to graduates of osteopathic schools, applying for any form of certificate mentioned or provided for in the state medical practice act, approved June 2, 1913, and

all acts amendatory thereof, is hereby authorized and directed to carry out the terms and provisions of the state medical practice act, approved June 2, 1913, and all acts amendatory thereof, and all laws hereafter enacted prescribing and regulating the approval of schools, the qualifications of applicants for examination for any form of certificate, the applications for any form of certificate, the admission of applicants to examinations for any form of certificate, the conduct of examinations, the issuance of any form of certificate, the collection of fees from applicants, the collection of an annual tax and registration fee, the compilation and issuance of a directory, the revocation of any form of license or certificate, the prosecution of persons who attempt to practice without a certificate, and all other matters relating to the graduates of osteopathic schools, holding or applying for any form of certificate or license. Every applicant to said board of osteopathic examiners for any form of certificate shall pay to the secretary-treasurer of the board the fees prescribed for such application by said state medical practice act, approved June 2, 1913, or any acts amendatory thereof or laws hereafter enacted. Said board of osteopathic examiners shall, in respect to all the matters aforesaid, relating to graduates of osteopathic schools, applying for or holding any form of certificate or license, take over, exercise and perform all the functions and duties imposed upon and heretofore exercised or performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof. The provisions of said state medical practice act, approved June 2, 1913, and acts amendatory thereof are hereby declared to be applicable to said board of osteopathic examiners in respect to all of the aforesaid matters and all other matters now or hereafter prescribed by law relating to the graduates of osteopathic colleges holding or applying for any form of certificate or license. In no other respects than as herein provided shall the jurisdiction, duties or functions of said board of medical examiners of the State of California be in any wise limited or changed; nor shall the board of osteopathic examiners have any power or jurisdiction over the graduates of any other than osteopathic schools. From and after the time of the organization of the board of osteopathic examiners said board of medical examiners of the State of California, shall have no further jurisdiction, duties or functions with respect to graduates of osteopathic schools holding or applying for any form of certificate or license and the said jurisdiction, duties and functions shall be assumed and performed by said board of osteopathic examiners.

Sec. 3. This act shall be known and cited as the "osteopathic act." Title.

REFERENDUM MEASURES.

Number
on ballot.

2. Prohibition Enforcement Act. (Statutes 1921, chapter 80, page 79.)

BONDING PROPOSITION.

3. Veterans' Welfare Bond Act of 1921. (Statutes 1921, chapter 578, page 959.)

CONSTITUTIONAL AMENDMENTS.

Proposed by Legislature.

7. Exempting Veterans from Taxation. (Statutes 1921, Resolution chapter 52, page 2188.)
8. Municipalities. (Statutes 1921, Resolution chapter 42, page 2176.)
9. Municipal Charters. (Statutes 1921, Resolution chapter 41, page 2173.)
22. Absent Voters. (Statutes 1921, Resolution chapter 50, page 2186.)